

tion of equitable remedies for the protection thereof. Unless conservation is properly provided for under any plan of proration, I am not inclined to favor extending further the powers of the Railroad Commission and in either event no conservation commission should be established unless it be found absolutely necessary.

Thanking you for your kindly interest, I am,

Yours truly,
OLAN R. VAN ZANDT.

Vernon, Texas, June 23, 1931.
Mr. W. L. Todd, Chairman,
Texas Oil Emergency Committee,
Petroleum Building,
Fort Worth, Texas.
Dear Sir:

I supported the Howsley Bill during the last session and believe that such proposed bill with some amendments will be sufficient. I certainly think the oil question is of sufficient magnitude to warrant a special session. We know that no gentlemen's agreement will stand the test very long and therefore the present plan in East Texas will no doubt fail just as soon as one or two producers decide that it is all wrong. It certainly is my desire to do for the oil business that which should be done and we as members of the Legislature are looking to the fraternity to direct the way.

Yours very truly,
ALBERT G. WALKER.

Canyon, Texas, June 26, 1931.
Mr. W. L. Todd, Chairman,
Texas Oil Emergency Committee,
Petroleum Building,
Fort Worth, Texas.
Dear Sir:

Replying to yours of yesterday, I do not wish to presume to be able to tell what should be done in the present oil emergency. I attended a meeting in Amarillo recently in which the independent dealers expressed a decided opposition to a special session of the Legislature. They may be wrong. I am unable to say.

So far as a special session is concerned, I believe the Governor is in a position to decide, and for that reason, if he calls the session, I am willing to come and do my dead level best to assist in passing helpful legis-

lation as I realize the oil business is in a deplorable condition.

Yours very truly,
CLYDE W. WARWICK.

(Telegram)

Jonesboro, June 25, 1931.
W. L. Todd, Chairman,
Texas Oil Emergency Committee,
Petroleum Building,
Fort Worth, Texas.

Have expressed to Governor Sterling my opinion that a special session should be called to enact legislation to conserve the oil resources of Texas.

FRANK WEST.

Waco, Texas, June 26, 1931.
Mr. W. L. Todd, Chairman,
Texas Oil Emergency Committee,
Petroleum Building,
Fort Worth, Texas.
Dear Mr. Todd:

Replying to your letter and telegram regarding extra session of the Legislature, I wish to advise that I am not sufficiently informed in regard to the oil situation to express an opinion as to whether an extra session is necessary. I am entirely willing to leave the matter up to Governor Sterling who, I think is fully qualified to pass on the matter.

Yours very truly,
LAWRENCE WESTBROOK.

TWELFTH DAY.

Senate Chamber,
Austin, Texas,
July 31, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Tom DeBerry.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
Deberry.	Parrish.
Gainer.	Patton.
Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.

Thomason.
Williamson.
Woodruff.

Woodul.
Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Small, by request:

S. B. No. 21, A bill to be entitled "An Act to conserve the oil and gas resources of the State of Texas, declaring unlawful and prohibiting the production, storage, or transportation of crude petroleum oil or of natural gas in such manner, amount or under such conditions as to constitute waste; defining waste and establishing rules for determining whether waste exists; extending and defining powers and duties of Railroad Commission of Texas and of Attorney General under this Act; providing procedure to be followed by Railroad Commission under this Act; providing for ratable taking based on potential production and acreage; prohibiting discrimination by common carriers of oil, and providing for ratable transportation; prohibiting discrimination against refineries located in this State; providing for enforcement of this Act, and fixing venue and establishing procedure to be followed in all suits by or against the Railroad Commission under this Act; providing for additional penalties and damages, providing for threefold penalty damage for violation of valid orders of Commission, and providing procedure for collection of same for violation of any order of the Railroad Commission hereunder, or any statute; prohibiting the purchase, transportation, or handling of any oil or gas produced in violation of any order of the Railroad Commission under this Act; providing that this Act shall become inoperative two years from the date of passage hereof, that it is cumulative of all other laws on this subject, and that it shall not affect the Common Purchaser

Law and the Marginal Well Law; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 22, A bill to be entitled "An Act creating a closed season upon wild deer buck, doe and fawn for a period of five years in the Counties of Harrison, Marion and Panola in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said counties for a period of five years, providing a penalty therefor; and declaring an emergency."

Read and referred to Committee on State Affairs.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, July 31, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 3, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes of 1925, making compulsory the personal attendance of out-of-county witnesses in suits involving violations of conservation laws and laws prohibiting trusts, monopolies or combinations in restraint of trade; providing for the manner of application for and issuance of subpoenas; providing that any witness failing to appear in obedience to subpoena may be punished for contempt; providing that parties to such suit shall tender traveling expenses of such witnesses, where their place of residence is outside the county where such suit is pending; providing for the manner of payment of such witness' costs in case the State requests their personal attendance, and declaring an emergency."

H. C. R. No. 7, Requesting the Governor to submit for consideration during this session of the Legislature the question of revising the State's taxation system.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Special Committee Report.

Senator Beck sent up the following special committee report:

Austin, Texas, July 31, 1931.

To the Legislature of Texas,
First Called Session of the 42nd,
Gentlemen:

Pursuant to Simple Resolution No. 123, adopted by the Senate of Texas at its Regular Session of the Forty-second Legislature, on the 28th day of April, A. D., 1931, we, the following members appointed by the Honorable Edgar E. Witt, Lieutenant Governor of Texas, to act as a Senate Investigating Committee with authority to inquire into, and investigate the various officers and various departments of this State, beg leave to make this preliminary report to the Legislature of Texas, that one Judge J. B. Price, the now duly elected and acting District Judge of the 21st Judicial District of Texas be investigated as to his judicial acts.

Said committee being as follows: Senator J. W. E. H. Beck, Chairman; Senator Carl C. Hardin, Vice-Chairman; Senator George Purl, attorney for the committee; and Senators Joe Moore and Tom DeBerry.

After the completion of the organization of the committee, we immediately began to inquire and started our investigation with reference to the various departments and officials of this State. Also, inquired into and examined the correctness or incorrectness of the enormous sums of money being paid out annually from the State Treasury of this State to the various departments, officers, judges and officials of this State, and, pursuant thereto, working with the State Auditor, Attorney General, Adjutant General and Comptroller, we find thousands of dollars have been paid out of the State Treasury upon the approval of sheriffs' accounts, elected and acting as sheriffs in the three counties comprising part of the 21st Judicial District, in which counties Judge J. B. Price, presiding as District Judge, approves the accounts of said sheriffs. And we call your attention to Article 1036, Sections 3 and 4, of the Code of Criminal Procedure of the State of Texas, which sections are as follows:

Section 3. "Before the close of

each term of the district court, the witness shall make affidavit stating the number of miles he will have traveled going to and returning from the court, by the nearest practical conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers of the case. No witness shall receive pay for his service as a witness in more than one case at any one term of the court. Fees shall not be allowed to more than two witnesses to the same fact, unless the judge before whom the cause is tried shall, after such case has been disposed of, certify that such witnesses were necessary in the cause; nor shall any witness recognized or attached for the purpose of providing the general character of the defendant, be entitled to the benefits hereof."

Section 4. "The district or criminal judge, when any such bill is presented to him, shall examine the same carefully, and inquire into the correctness thereof and approve the same in whole or in part or disapprove the entire bill, as the facts and law may require; and said bill with the action of the judge thereon, shall be entered on the minutes of the said court; and immediately on the rising of said court, the clerk thereof shall make a certified copy from the minutes of said court of said bill, and the action of the judge thereon, and send the same by registered letter to the Comptroller, for which service the clerk shall be entitled to a fee of twenty-five cents to be paid by the witness."

This committee finds that Judge J. B. Price is guilty of neglect of his duty enjoined upon him by the laws of this State, as will be more fully shown in this report; that he is incompetent, and is guilty of official misconduct, as will be fully stated and shown later on in this report; that as such district judge he has not complied with Article 1036 of the Code of Criminal Procedure of the State of Texas, as herein above quoted, wherein it relates to the duties of the district judge in this to-wit: That he has not, and did not, carefully examine and inquire into the correctness of the various accounts presented to him for ap-

proval or disapproval of the sheriffs in Burleson, Lee and Bastrop counties, same being three of the counties and constituting a part of the 21st Judicial District of Texas, in which Judge J. B. Price is acting, and has been acting, as district judge, but the committee finds that to the contrary said district judge has knowingly, willfully and unlawfully approved accounts of sheriffs in the above stated counties that did not comply with the laws of this State but that did make extorsive demands upon the State for fees that were duplications for fees purporting to be for services that in truth and in fact were never performed, and for fees far in excess of those allowed by law.

The committee further finds that the said Judge J. B. Price is guilty of official misconduct, omission and commission, in connection with the duties enjoined upon him by the constitution and laws of this State, in this to-wit:

Article 1036 of the Code of Criminal Procedure provides, in substance, that there shall be no witness fees paid to any witnesses out of the State Treasury of this State, unless said witnesses reside out of and beyond the limits of the county in which there is tried a felony case in this State, and until after either the county or district attorney, or the defendant or his counsellor, has made sworn application in writing to the district clerk that the testimony of the witness is material. And the law further provides that before the close of each term of the district court the witness or witnesses residing out of the county where said cause is tried, after being subpoenaed to appear as a witness, and after appearing in abeyance to said subpoena, shall make affidavit stating the number of miles he will have traveled going to and returning from the court by the nearest practical conveyance, and the number of days he will have been necessarily absent going to and returning from the place of the trial, which affidavit shall be filed with the papers in the case. The law further provides that no witness shall receive pay for his services as a witness in more than one case at any one term of court.

The law further provides that fees shall not be allowed to more than two witnesses to the same fact unless the judge before whom the cause is tried shall, after such case has been disposed of, certify that such witnesses were necessary in the cause; nor shall any witness recognized or attached for the purpose of approving the general character of the defendant be entitled to the benefit of any fee.

As stated before in this report, the committee again directs your attention to Section 4 of Article 1036 of the Code of Criminal Procedure, wherein it is provided that the District or Criminal District Judge, when any such bill for fees allowable to witnesses is presented to him, he shall examine the same carefully and inquire into the correctness thereof, and approve the same in whole or in part, or disapprove the entire bill as the facts and the law may require, and that said bill, and the action of the judge thereon, shall be entered on the minutes of the District Court. The law further provides that thereafter on the rising of the court, the clerk of said court shall make a certified copy from the minutes of said court of said bill, and the action of the judge thereon, shall be entered on the minutes of the district court. The law further provides that thereafter on the rising of the court, the clerk of said court shall make a certified copy from the minutes of said court of said bill, and the action of the judge thereon, and send same by registered letter to the Comptroller, for which services the clerk shall be entitled to fee of twenty-five cents to be paid by the witness.

As previously stated, the committee finds that Judge J. B. Price did not comply with the provisions of the law as herein above quoted, but to the contrary willfully, negligently, carelessly and unlawfully signed and approved, by affixing his signature thereto, the blank witness account and certificates being used in the county of Lee. In this connection, the committee finds that before any witnesses had been applied for on sworn application by the county or district attorney, or the defense or his attorney, and before any subpoena or process had been issued by

the clerk of Lee County, and without any witnesses having appeared either by subpoena or attachment, and without any witnesses having been recognized by said court, the said Judge J. B. Price affixed his signature to a certificate, the form of which complies with Article 1036 of the Code of Criminal Procedure and which said form had been in continuous use during the years 1927 up to and including the year 1930, and that by reason thereof said Judge signed many witness certificates in blank, certifying that certain witnesses had appeared and been recognized, when in truth and in fact there had been no witnesses recognized and said conduct and action on the part of the Judge was in truth and in fact a certificate of matters and things, facts and circumstances which did not exist, such conduct and action on the part of said Judge J. B. Price was contrary to and in violation of the constitution and laws of this State.

The committee further reports as hereinabove stated, the said Judge J. B. Price while acting as District Judge of the 21st Judicial District of Texas, was guilty of official misconduct, incompetency and carelessness, and was guilty further of unlawful neglect of his duty in the following instances and manner, to-wit:

Bearing in mind the duties imposed on the said Judge J. B. Price as set out heretofore in this report, approved and caused his official signature to be affixed to accounts presented to him by the clerks and sheriffs within his Judicial District, which said accounts were in violation of the law and were prohibited by the Constitution, and were illegal and unlawful. In this connection, the committee reports the said Judge J. B. Price was careless in the approval of the accounts just mentioned, in that he did not inquire into the truthfulness and correctness of said accounts, and did not exercise and carry out his duties, as required of him under the law, to make a careful and through investigation of whether the accounts were lawful or authorized by law.

The committee reports that the said Judge J. B. Price approved one certain account presented to him by the sheriff of Burleson County,

Texas, which said account set out in terms and figures to entitle said sheriff of Burleson County, Texas, for fees alleged to be allowed him for the transportation of six prisoners from Dallas County, Texas, to the county jail located at Caldwell, Burleson County, Texas, when in truth and in fact the said sheriff of Burleson County, Texas, did not arrest but only two prisoners and did not actually transport but two prisoners. Under this state of facts, the said Judge J. B. Price approved the account presented to him by the sheriff of Burleson County, Texas. Had the said Judge J. B. Price performed the duties imposed upon him by law, and had the said Judge J. B. Price inquired into the correctness and truthfulness of said particular account, he would have known that the same was illegal and unlawful demand upon the Treasury of the State of Texas.

The committee further reports that Judge J. B. Price has on several occasions within the Judicial District, recognized witnesses who were subpoenaed to appear in criminal causes pending in his court. When they came there in obedience to the process issued by the clerk of his court, he told them to watch the papers and stay in touch with the court and be there to appear in court when certain causes were again called for trial, and that they would not be resubpoenaed and thereafter in succeeding terms after said witnesses had received this information from the court, in many instances he has approved the sheriffs' accounts wherein claim and demand was made by the sheriff, showing that each of these witnesses had been again summoned by process issued by the clerk. This conduct has cost this State several thousand dollars because the services claimed by the sheriff were not true and in fact never performed. By the use of ordinary care and diligence on the part of the judge these facts could have been easily ascertained.

Another item the committee desires to call to your attention is the approval by this judge of the sheriff's account in Burleson county for making arrests in which the sheriff claims he traveled 1,600 miles, arresting one person on two consecutive days and this occurred with ref-

erence to three different defendants for the same two consecutive days, making a grand total of 4,800 miles the sheriff claims to have traveled in the two days arresting three people, when in truth and in fact these three persons were arrested at the same place, on the same day, and were transported to Burleson county jail in the same car, and when in truth and in fact said Judge J. B. Price approved said account. As previously stated, the practice and conduct of this judge has been such that the State has paid out of the State Treasury thousands of dollars that were unauthorized by law.

Therefore, it is resolved by this committee, this report be made to the Honorable 1st Called Session 42nd Legislature of Texas, and that you inquire into the correctness of the allegations made herein, and take such action as this Honorable Body deems proper.

In a few days, as soon as circumstances warrant, a fuller and more complete report will be made by this committee showing numerous violations of the law.

J. W. E. H. BECK,

Chairman, Senate Investigating Committee.

CARL C. HARDIN,

Vice-Chairman, Senate Investigating Committee.

GEORGE C. PURL,

State Senator and Attorney for Senate Investigating Committee.

TOM DeBERRY,

State Senator and member of Senate Investigating Committee.

JOE M. MOORE,

State Senator and member of Senate Investigating Committee.

The report was read.

Senator Woodward moved to accept the report and print it in the Journal. The motion prevailed.

House Bill Referred.

H. B. No. 3 referred to Committee on Civil Jurisprudence.

S. C. R. No. 5.

Senator Holbrook sent up the following resolution:

Whereas, it appears from testimony adduced from the three Railroad Commissioners of Texas in their sworn statements before the com-

mittee in the House which closed its hearing on the afternoon of July 29th, 1931, that conditions have come about in the conduct of the business of the Railroad Commission which have rendered its usefulness to the people almost nil, and

Whereas, personal animosity and petty jealousies between members of the Commission have contributed largely to this condition, and if continued will eventually paralyze it to such extent that its usefulness will be completely destroyed, and

Whereas, it would be to the best interest of the people of this State for these Commissioners to work together in peace and harmony with an eye single only to the performance of those duties with which it is charged, and

Whereas, according to the testimony of these Commissioners it is patent that without additional laws a much better condition would now prevail in the oil and gas industries of this State than that which now prevails, if the Commissioners had exercised the powers and authority vested in them; and it was further stated by each of the Commissioners that the Railroad Commission has ample time, and is able to look after and take care of the public interest in oil and gas operations in this State, and that few if any additional laws are necessary to aid them in doing so, and

Whereas, it is the opinion of this Legislature that no new Commissions or boards be created, nor expenses incurred, where same can be avoided, to the end that the government of the Commonwealth may be economically administered as required by the Constitution.

Now Therefore, Be it Resolved by the Senate of Texas, the House of Representatives concurring, that it is the sense of this Legislature, and it so states, that the three Railroad Commissioners should immediately divorce from their minds these animosities and enter into a wholehearted and cooperative effort to the end that the Commission may function properly, and the people's business be attended to in the manner contemplated under the Constitution and laws governing same.

Be it Further Resolved that it is the sense of this Legislature that un-

less the Commissioners do this it would be to the best interest of the State that they resign, and return to the people the commissions they hold, so that justice may prevail and the powers and duties of the Railroad Commission may be used to the best advantage of the people.

Be it Further Resolved that a copy of this Resolution be delivered to each of the three Commissioners with the hope that the condition now obtaining within their ranks may be improved, and never again be allowed to descend into this sorry plight.

HOLBROOK,
PARR.

The resolution was read.

Senator Purl sent up the following amendment:

Amend resolution by striking out the 2nd last paragraph.

PURL.

The amendment was read.

Senator Parrish moved to indefinitely postpone further consideration of the resolution. The motion prevailed by the following vote:

Yeas—15.

Berkeley.	Oneal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Small.
Greer.	Thomason.
Hornsby.	Woodul.
Moore.	Woodward.
Neal.	

Nays—9.

Cousins.	Purl.
Holbrook.	Russek.
Hopkins.	Stevenson.
Parr.	Woodruff.
Poage.	

Absent.

Beck.	Pollard.
Hardin.	Rawlings.
Loy.	Williamson.
Martin.	

Reason for Vote.

I am opposed to calling on any public officials to resign by resolution, I do think, however, this body can properly call on the Railroad Commission to forget their personal differences and start all over to

the end that the public will have the benefit of their talent, and experience.

I believe all three Commissioners are qualified to perform their duties and sincerely believe that if all personal differences are forgotten the personnel of the present Commission, due to their experience can perform a signal service in these trying times. I am opposed to asking them to resign but do think every attempt should be made to put aside personal differences because the people are bound to suffer when personalities are entered into by public officials.

PURL.

Simple Resolution No. 12.

The Chair laid before the Senate as special order the following resolution:

S. R. No. 12, Requesting submission of legislation concerning transferring of the burden of State Highways from the counties to the State and the assumption by the State of county bonds heretofore issued.

Read and adopted by the following vote:

Yeas—16.

Berkeley.	Oneal.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Small.
Hornsby.	Stevenson.
Moore.	Woodruff.
Neal.	Woodward.

Nays—5.

Cousins.	Thomason.
Holbrook.	Woodul.
Patton.	

Absent.

Beck.	Pollard.
Hopkins.	Rawlings.
Martin.	Russek.
Parr.	Williamson.

(Pair Recorded.)

Senator Greer present, who would vote nay with Senator Loy absent, who would vote yea.

Senate Bill No. 20.

By a two-thirds vote, the regular order of business was suspended and the following bill was taken up:

S. B. No. 20, A bill to be entitled "An Act to amend House Bill No. 818, Chapter 319, Acts of the 42nd Legislature, Regular Session, 1931, page 834, Session Laws, conferring upon all counties adjacent to the Gulf of Mexico the right of eminent domain, where land, right of way or easements or dumping ground privileges are necessary to be secured for the construction of an intra-coastal canal; providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas; for the condemning and acquiring right of way by railroads, and providing that no appeals shall cause suspension of work, and that counties shall not be required to give appeal bond or bond for costs; and authorizing the Commissioners' Courts of such counties to issue time warrants bearing interest not exceeding eight (8%) per cent per annum, to be used in the payment either by outright purchase or after condemnation proceedings of lands for right of way or easements and dumping ground purposes for an intra-coastal canal; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended unanimously.

The committee report was adopted.

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. No. 20, by striking out the words and figures 8% where ever it appears and substitute the word and figure 6%.

PURL,
POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 20 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poape.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.

Absent.

Loy.	Russek.
Martin.	Williamson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Farrish.
Cunningham.	Patton.
Gainer.	Rawlings.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Moore.	Woodward.
Neal.	

Nays—2.

Poage.	Purl.
--------	-------

Present—Not Voting.

DeBerry.

Absent.

Loy.	Russek.
Martin.	Williamson.
Pollard.	

Simple Resolution No. 13.

Senator Purl sent up the following resolution:

Resolved by the Senate of Texas that this body extend its sincere thanks and congratulations to Senator Joe Moore, Chairman of the State Affairs Committee for the fair, impartial and efficient manner in which he as chairman conducted the important hearing on the conservation of natural resources that we have just completed.

Be it Further Resolved that the sub-committee be extended the thanks of the Senate for the assistance they rendered the Senate by arranging all the details as well as the procedure followed throughout the hearing.

Be it Further Resolved that the Senate of Texas extend its thanks to each and every witness who responded to our invitation in appearing before the committee and gave us the benefit of their experience and suggestions.

PURL.

Read and adopted.

Adjournment.

On motion of Senator Moore, the Senate, at 12:16 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Petitions and Memorials.

Houston, Texas.

My Dear Mr. Barker:

The resolution passed by the State Senate upon the death of my husband, Judge Garwood, was a beautiful one—and I wish to express to you my sincere appreciation of it. The copy which you sent me came at the time of the death of my son—and I have delayed writing you for this reason.

Thank you for having furnished me with a copy.

I appreciate also your tribute to the friend you loved. No man ever lived whose friends were more numerous or loyal, and he loved them, devotedly.

Most cordially,

HUBERTA R. GARWOOD.

June 3, 1931.

The widow and children of Major General Henry T. Allen appreciate and feel greatly honored that the officers and men of the 90th Division should desire to have a portrait painted of General Allen. They also feel honored that it shall be hung in the Senate Chamber in the State Capitol of Texas.

They gratefully thank those who have so generously given to this cause, thus showing their affection and respect for their late Commander.

DORA J. ALLEN,
J. ALLEN ANDREWS,
HENRY T. ALLEN, JR.
DASHA A. VINER.

Committee Reports

Committee Room,

Austin, Texas, July 31, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 20, A bill to be entitled "An Act to amend House Bill No. 818, Chapter 319, Acts of the 42nd Legislature, Regular Session, 1931, page 834, Session Laws, conferring upon all counties adjacent to the Gulf of Mexico the right of eminent domain, where land, right of way or easements or dumping ground privileges are necessary to be secured for the construction of an intra-coastal canal; providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas; for the condemning and acquiring right of way by railroads, and providing that no appeals shall cause suspension of work, and that counties shall not be required to give appeal bond or bond for costs; and authorizing the Commissioner's Courts of such counties to issue time warrants bearing interest not exceeding eight (8%) per cent per annum, to be used in the payment either by outright purchase or after condemnation proceedings of lands for right of way or easements and dumping ground purposes for an intra-coastal canal; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, July 31, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 19, A bill to be entitled "An Act amending Section 5 of Chapter 15, Local and Special Laws, Acts Second Called Session, 41st Legislature, relating to the creation of the Brazos River Conservation and Reclamation District and the establish-

ment of the boundaries thereof; re-appropriating for said purpose the unexpended balance of Twenty Thousand (\$20,000) Dollars appropriated for said purpose by Chapter 35, General Laws, passed at the Regular Session of the 42nd Legislature, and limiting the time in which said appropriation may be expended to prior to June 1st, 1932, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HORNSBY, Chairman.

By Gainer

S. B. No. 19.

A BILL
To Be Entitled

An Act amending Section 5 of Chapter 15, Local and Special Laws, Acts Second Called Session, Forty-first Legislature, relating to the creation of the Brazos River Conservation and Reclamation District and the establishment of the boundaries thereof; reappropriating for said purpose the unexpended balance of Twenty Thousand Dollars appropriated for said purpose by Chapter 35, General Laws, passed at the Regular Session of the Forty-second Legislature, and limiting the time in which said appropriation may be expended to prior to June 1st, 1932, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5 of Chapter 15, Local and Special Laws, passed at the Second Called Session of the Forty-first Legislature, be amended so as to hereafter read as follows:

Sec. 5. The area of said District is hereby established to comprise the whole of all counties lying wholly or in part in the watershed of the Brazos River and its tributary streams as the same is made certain by the State contour maps now on file in the office of the State Board of Water Engineers. It is provided, however, that the boundaries of said District as hereby established, shall control until June 1st, 1932, the actual boundaries of the area within the said watershed so that the same

may be expressed in written calls of the metes and bounds of said watershed.

Sec. 2. The appropriation of Twenty Thousand Dollars (\$20,000), made by Chapter 35, General Laws, passed at the Regular Session of the Forty-second Legislature, to the Board of Water Engineers for stream measurement and topographic survey, or as much thereof as may remain unexpended, to be used during the fiscal year ending August 31st, 1931, be and the same is hereby re-appropriated for the purpose for which said appropriation was originally made, to be expended by said Board of Water Engineers at any time prior to June 1st, 1932.

Sec. 3. The fact that the State Board of Water Engineers was unable to complete the survey of the actual boundaries of the Brazos River Conservation and Reclamation District within the time provided by law because of insufficient funds, and the further fact that the sufficient funds were appropriated at the Regular Session of the Forty-second Legislature for the purpose of continuing and completing the survey, but said appropriation will expire on August 31st, 1931, without said survey having been completed, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it so enacted.

THIRTEENTH DAY

Senate Chamber,
Austin, Texas,
August 3, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
DeBerry.	Hopkins.
Gainer.	Hornsby.